IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

Bail Appl..No. 7795 of 2007()

CRIME NO.28/07 OF VELLAYIL POLICE STATION

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PETITIONERS/ACCUSED 1,2,3

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1. YOONUS, S/O N.P.BAPPU,
   N.B.ROAD, PUTHIYAKADAVU P.O.,
   NADAKKAVU, KOZHIKODE-11

2. RASHEED, S/O MAMMU,
   PUTHIYAKADAVU P.O., NADAKKAVU,
   KOZHIKODE.

3. MUHAMMED RAFI, S/O ABOOBACKER,
   N.B.ROAD, PUTHIYAKADAVU P.O.,
   NADAKKAVU, KOZHIKODE-11.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE

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1. THE SUB INSPECTOR OF POLICE,
   VELLAYIL POLICE STATION.

2. STATE REP; BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7795 of 2007

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Dated this the 18th day of December, 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1, 2 and 5. Accused 1 to 5 are named in the F.I.R. They, along with 20 others, are on the array of accused now. The alleged incident took place on 26.11.2007. It was a violent incident consequent to a Foot Ball match that took place. Iron rod is the weapon used. No grievous hurt has been caused by the accused. Investigation is in progress. Some of the co-accused have been granted bail by the learned Sessions Judge. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances of the case that directions under Section 438 Cr.P.C. can be issued in favour of the petitioners, subject to appropriate conditions. In the absence of opposition, it is not necessary for me to advert to facts in any

greater detail in this order. Suffice it to say that the wound certificate has been read over tome and I have taken note of the contention of the learned counsel for the petitioner that allegation under Section 308 I.P.C. is not justified. Satisfactory materials are not there in support of the said assertion, submits the learned counsel.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 26.12.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 27.12.07 and 28.12.2007. During this period, the investigators

shall be at liberty to interrogate the petitioners in custody and take all necessary steps in connection with the investigation. Thereafter they shall appear before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 26.12.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to his surrender on 26.12.2007 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 26.12.2007.

(R. BASANT)
Judge

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